

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 43-80 will be active in the application subsequent to entry of this Amendment.

In preparing this response applicants have noted an omission from part (2) of claim 43 to unambiguously include the sealing of just one surface. The appropriate terminology "to seal said surface" is now inserted in claim 43 (and included in new claim 80 as well). Basis for this may be found on page 2, lines 7-23 of the description.

A minor transcription error is corrected in claim 67 – for R¹⁹ the "s" in C(s) should be a capital and should read C(S).

Two new claims have been added to the application. First, claim 79 is directed to a method which is dependent from claim 48 in which both R⁸ and R^{8'} are alkyl groups. This relates back to the description found at page 6, lines 20-22 where R⁸ and R^{8'} are a subset of R² and R³. R² and R³, in turn, may both be alkyl as disclosed on page 1, line 20 of the description. Accordingly, there is basis for claim 79 in the original disclosure of this application.

Also added is new claim 80, an independent claim directed to preferred aspects of the invention and is based upon a combination of independent claim 43 and dependent claims 49 and 54. The importance of this claim is discussed in the remarks that follow.

The sole issue raised in the outstanding Official Action is the rejection of all claims as being anticipated by U.S. patent 6,388,037 to Schultz et al. Applicants disagree with this rejection. It would appear that the examiner has failed to take into account part i) of claim 43 which reads "...where R² and R³ are both CH₂, R⁴ and R⁵ are both CH, and R¹ is N, R⁶ may not be selected from C(O) or -OC(O)-;..." and which was specifically added to exclude the compounds disclosed in US'037. Applicants submit that claim 43 as it currently reads is both novel and inventive over the disclosures of Schultz and that this rejection should be withdrawn.

The applicant further disagrees with the Examiner's failure to recognize the novelty of current claims 49 and 54. The groups where "... R¹ is selected from N⁺R¹²(Z^{m-})_{1/m}, S(O)_pR¹³, B, and P(O)_qR¹⁴ ..." as claimed in claim 49 and the groups where "...R¹ is selected from nitrogen, and R⁶ is C(S) or -S(O)₂" as claimed in claim 54 are not disclosed or even suggested in US '037. Similarly compounds claimed in current claims 49 and 54 must be considered both novel and inventive over US'037. In new independent claim 80 the scope of R¹ in claim 43, from

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"...heteroatom or substituted heteroatom which has electron withdrawing properties..." to those groups specifically mentioned in claim 49 and claim 54.

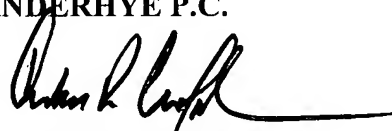
For the above reasons it is respectfully submitted that claims 43-80 are both novel and inventive over the disclosures of the applied document and thus are in condition for allowance.

Reconsideration and favorable action are solicited. Should the examiner require further information, please contact the undersigned.

Respectfully submitted,

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